

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

Wonderland Nurserygoods Co., Ltd.,  
Plaintiff,

v.

Thorley Industries, LLC (dba 4Moms)  
Defendant

C.A. No.: 2:13-cv-00387

Judge Mark R. Hornak

Electronic Filing

**DECLARATION OF DAVID I. ROCHE**

I, David I. Roche, hereby declare as follows:

1. I am an attorney with Baker & McKenzie LLP, located at 300 East Randolph Street, Chicago, Illinois 60601. I am admitted to practice law in the State of Illinois. I am also admitted *pro hac vice* in this case as attorney for the Plaintiff. The matters set forth in this declaration are based on my personal knowledge, and if called as a witness I could and would testify competently thereto.

2. This declaration is being made in connection with the Exhibit so Wonderland's Motion for Summary Judgment of No Invalidity, which are:

	Description	Under Seal
Exh. A:	US Patent RE 43,919	
Exh. B:	US Patent No. 6,859,957	
Exh. C:	Transaction History of prosecution of '919 patent	
Exh. D:	Excerpts from File History of the '919 patent	
Exh. E:	Chart comparing claim 1 of the '957 patent to claim 8 of the '919 patent	
Exh. F:	Thorley's Request for Reexamination of the '957 patent	
Exh. G:	Denial of Thorley's Request by USPTO Central Reexamination Unit	
Exh. H:	Response Report on Validity of J. Drobinski	X (p. 23)
Exh. I:	Cuffaro Invalidity Report	
Exh. J:	Hammil (US 6,098,217)	
Exh. K:	Bidwell (AU 715,883)	
Exh. L:	Deposition of D. Cuffaro, taken Sept. 22, 2014	X
Exh. M:	Moltane (US 2,784,420)	

	Description	Under Seal
Exh. N	Schweikert (US 3,173,155)	
Exh. O	Gunter (US 4,538,309)	
Exh. P	Hartenstine (US 6,510,570)	
Exh. Q	Schettler (US 2,287,907)	
Exh. R	Hawley (US 2,590,315)	
Exh. S	Keiser (US 1,183,819)	
Exh. T	Johnston (US 3,875,623)	
Exh. U	Ramey (US 5,752,297)	
Exh. V	Hood (US 3,658,025)	
Exh. W	Mew (US 2,761,153)	
Exh. X	Northup (US 6,402,116)	
Exh. Y	Tigrett (US 2,790,978)	
Exh. Z	2007 Graco playard instruction book	
Exh. AA	Deposition of Brad Bickley (excerpts)	
Exh. BB	Wonderland Sales data (Bickley Exh. 3)	X
Exh. CC	Dep. of R. Daly (excerpts)	X
Exh. DD	Dep. of H. Thorne	X
Exh. EE	Dep. of J. Rosenthal	X
Exh. FF	Exhibit 6 to Dep. of R. Daly	

3. Attached as Exhibit A is a true and correct copy of U.S. Patent No. RE 43,919 (the '919 patent).

4. Attached as Exhibit B is a true and correct copy of U.S. Patent No. 6,859,957 (the '957 patent).

5. Attached as Exhibit C is a true and correct copy of the Transaction History of prosecution of the '919 patent, taken from the USPTO's Patent Application Information Retrieval system, called PAIR.

6. Attached as Exhibit D is a true and correct copy of Excerpts from File History of the '919 patent, taken from the PAIR system.

7. Attached as Exhibit E is a true and correct copy of claim 1 of the '957 patent and claim 8 of the '919 patent with highlighting added by me to show common limitations.

8. Attached as Exhibit F is a true and correct copy of the Thorley's Request for

Reexamination of the '957 patent, taken from the PAIR system.

9. Attached as Exhibit G is a true and correct copy of the denial by the USPTO's Central Reexamination Unit of Thorley's Request for Reexamination of the '957 patent, taken from the PAIR system.

10. Attached as Exhibit H is a true and correct copy the Response Report on Validity by Jerry Drobinski, Wonderland's technical expert, dated July 31, 2014.

11. Submitted separately under seal, is page 23 of Exhibit H, i.e., the Response Report on Validity by Jerry Drobinski, Wonderland's technical expert, dated July 31, 2014.

12. Attached as Exhibit I is a true and correct copy of the Invalidity Report of Daniel Cuffaro, Thorley's technical expert, dated June 16, 2014.

13. Attached as Exhibit J is a true and correct copy the Hammil patent, US 6,098,217

14. Attached as Exhibit K is a true and correct copy the Bidwell patent, AU 715,883.

15. Submitted separately under seal, Exhibit L is a true and correct copy the transcript of the Deposition of D. Cuffaro, taken Sept. 22, 2014.

16. Attached as Exhibit M is a true and correct copy the Moltane patent, US 2,784,420.

17. Attached as Exhibit N is a true and correct copy the Schweikert patent, US 3,173,155.

18. Attached as Exhibit O is a true and correct copy the Gunter patent, US 4,538,309.

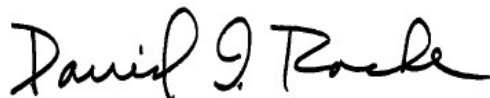
19. Attached as Exhibit P is a true and correct copy the Hartenstine patent, US 6,510,570.

20. Attached as Exhibit Q is a true and correct copy the Schettler patent, US 2,287,907.

21. Attached as Exhibit R is a true and correct copy the Hawley patent, US 2,590,315.
22. Attached as Exhibit S is a true and correct copy the Keiser patent, US 1,183,819.
23. Attached as Exhibit T is a true and correct copy the Johnston patent, US 3,875,623.
24. Attached as Exhibit U is a true and correct copy the Ramey patent, US 5,752,297.
25. Attached as Exhibit V is a true and correct copy the Hood patent, US 3,658,025.
26. Attached as Exhibit W is a true and correct copy the Mew patent, US 2,761,153.
27. Attached as Exhibit X is a true and correct copy the Northup patent, US 6,402,116.
28. Attached as Exhibit Y is a true and correct copy the Tigrett patent, US 2,790,978.
29. Attached as Exhibit Z is a true and correct copy of excerpts from a 2007 Graco play yard instruction book.
30. Attached as Exhibit AA is a true and correct copy of excerpts from the deposition of Deposition of Brad Bickley, Wonderland's 30(b)(6) witness, taken on June 20, 2014.
31. Submitted separately under seal, Exhibit BB is a true and correct copy of Exhibit 3 (Wonderland's sales and profit data for exposed tube play yards) to the deposition of Brad Bickley Wonderland's 30(b)(6) witness, taken on June 20, 2014.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on Thursday, March 14, 2013.

A handwritten signature in black ink, reading "David I. Roche". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

David I. Roche

**CERTIFICATE OF SERVICE**

I hereby certify that on October 27, 2014, I electronically filed this document with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Kent E. Baldauf, Jr., Esquire [kbaldaufjr@webblaw.com](mailto:kbaldaufjr@webblaw.com)

Bryan P. Clark, Esquire [bclark@webblaw.com](mailto:bclark@webblaw.com)

Ryan J. Miller, Esquire [rmiller@webblaw.com](mailto:rmiller@webblaw.com)

/s/ David I. Roche

David I. Roche, Baker & McKenzie LLP